

## REMARKS

### Summary of the Office Action

Claims 5-12 are pending in the application. In the Office Action mailed July 8, 2009, claims 5, 7, 9 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,412,110 ("Schein") in view of U.S. Patent No. 6,381,747 ("Wonfor"). Claims 6, 8, 10 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schein in view of Wonfor and U.S. Patent No. 5,509,070 ("Schull").

### Summary of Applicants' Reply

Applicants respectfully traverse the rejections of claims 5-12.

### Independent Claims 5, 7, 9 and 11

Applicants' invention, as defined by independent claims 5, 7, 9 and 11, is directed to an interactive program guide that may be used to select a television program for recording and viewing. Claims 5, 7, 9, and 11 specify that the program guide provides a user with opportunities for selecting a program for recording as well as viewing. The independent claims 5, 7, 9 and 11 require that the selected television program is received with copy protection from a television

distribution facility. When the selected program is selected for recording, the copy protection is removed from the program and it is provided without copy protection when the program is purchased at the price for the program without copy protection. When the selected program is selected for viewing, the program is provided with copy protection when it is purchased at the price for the program with copy protection. Applicants respectfully submit that Schein and Wonfor do not disclose at least the elements "receiving the selected program with copy protection from a television distribution facility" and "removing the copy protection from the selected program" as required by applicants claim 5.

Schein describes an electronic program guide with interactive areas in the guide. (Schein, Abstract.) Some of the functions provided by the guide including selecting a program for recording, tuning to a channel, and purchasing pay-per view programs. (Schein, col. 1, lines 64-67.) In the Office Action at page 3, the Examiner states that Schein discloses "means for receiving the selected program with copy protection from a television distribution facility." In support of this contention, the Office Action cites Schein at col. 10, lines 62+ which purportedly discloses "the receiving of pay-per-view program and thus content with copy protection

signal encoded into the signal." Applicants respectfully disagree. Schein at col. 10 discusses purchasing a pay-per-view program, but there is no disclosure in Schein as to whether the pay-per-view program or any other program is provided with any copy protections. Indeed, nowhere in Schein is copy protection disclosed. Following the mention of purchasing a pay-per-view program in Schein (col. 10, lines 66-67), there is a general discussion of user recording requests (Schein, col. 11, lines 20-25), however, there is no disclosure in Schein of providing or removing any copy protections when programs are recorded. Wonfor, discussed in more detail below, does not make up for this deficiency.

The Office Action at page 3-4 further states that Schein discloses "means for offering the selected program for purchase at a price for the program without copy protection when the program is selected for recording." In support of this statement, the Office Action points to Schein at col. 10, line 60-col. 11, lines 1-44 alleging that it describes "the offering of content with and without copy protection." As mentioned above, Schein does not mention copy protection at all. Accordingly, applicants submit that the Schein does not teach the elements of claim 5 which recite: "means for receiving the selected program with copy protection from a

television distribution facility; [and] means for offering the selected program for purchase at a price for the program without copy protection when the program is selected for recording."

The Office Action at page 4 admits that Schein fails to disclose the elements of claim 5 which relate to removing copy protection, and relies on Wonfor to fill the deficiency. In the reply to Office Action filed June 5, 2009, Applicants explained the differences between Wonfor's disclosure and the present claims. It appears that the Examiner has not addressed these arguments in the present Office Action. Applicants respectfully request the Examiner consider these arguments in the next Office Action.

As discussed in applicants' June 5, 2009 Reply, Wonfor generally discusses a system for "controlling the application of copy protection for video signals." (Wonfor, col. 4, lines 51-52, emphasis added.) In Wonfor, set top box circuitry is used to apply copy protection wave forms to programs that are to be protected. (Wonfor, FIGs. 1 and 2, col. 3, lines 38-42, col. 8, lines 17-18, etc.) Copy protections are applied in Wonfor using a copy protection capable set-top box, and may be provided using two anticopy processes: automatic gain control and a color stripe process,

which affect recording quality. (Wonfor, col. 2, line 45, col. 3, lines 57-65.) For example, the Wonfor set-top box applies copy protection to a program that is selected to be recorded by an unauthorized viewer. (Wonfor, col. 5, lines 50-53.) The options for copy protections that are applied by Wonfor are listed in Table 2 of col. 12. Wonfor's Table 2 indicates several scenarios where an ACP (anticopy process) is turned on or off. For example, ACP is turned on, meaning that the anticopy processes are applied to a program, when a copy protection required program is selected by a user for pay-per-view. In another example, ACP is turned off, meaning that the anticopy processes are not applied to a program, when a copy protection required program is selected by a user for recording using a pay-to-tape request. (Wonfor, Table 2.) Thus, in Wonfor, programs are received at the set-top box without copy protection and the set-top box can either pass the programs on as is or the set-top box can apply copy protection to the programs.

The examiner alleges on page 4 of the Office Action that Wonfor (at col. 7, line 60 to col. 8, line 8) teaches removal of copy protection from a program. Applicants disagree. This section of Wonfor actually describes the management of a copy protection process for all set-top boxes.

(Wonfor, col. 8, lines 45-52.) The management of the copy protection process includes providing administrators with passwords that can be used for access to software for controlling the application or removal of a copy protection process for programs. (Wonfor, col. 8, lines 53-66.) This control is implemented in Wonfor by turning on the copy protection process or turning off the copy protection process. (Wonfor, col. 8, lines 12-14.) In an example in Wonfor, a pay-to-tape selection for a pay-per-view program causes the set top box copy protection process to be turned off. (Wonfor, col. 11, lines 55-63. This means that the pay-per-view program in Wonfor is provided without copy protections applied and the program is simply passed through the set top box. Applicants submit that Wonfor's turning off the application of copy protection to a program, differs from removing copy protection from the program, as is specified in claim 5. In Wonfor, copy protection is only applied to the program. When copy protection is turned off, no copy protection is applied. There is no removal of copy protection disclosed in Wonfor as is specified in claim 5.

Applicants also wish to point out the element added in the amendment entered on June 5, 2009 which specified "receiving the selected program with copy protection from a television distribution facility." As mentioned above, Schein does not disclose copy protections at all. Wonfor also does not disclose receiving programs with copy protection from a television distribution facility. Copy protections in Wonfor are applied by the set top box. There is no disclosure in Wonfor of receiving programs with copy protection from a television distribution facility.

In view of the foregoing, Schein and Wonfor fail to disclose receiving a selected program with copy protection from a television distribution facility as required by independent claims 5, 7, 9, and 11. In addition, Schein and Wonfor also fail to disclose (a) removing the copy protection from the selected program, (b) providing the selected program without copy protection, and (c) directing a video recorder to record the selected program when the program is purchased at the price for the program without copy protection as required by independent claims 5, 7, 9, and 11.

For at least the reasons discussed above, it is submitted that independent claims 5, 7, 9, and 11 are allowable. Dependent claims 6, 8, 10, and 12 are also allowable for at least the same reasons. Reconsideration and allowance are respectfully requested.

Respectfully submitted,

/Pristine Johannessen/  
Pristine Johannessen  
Reg. No. 55,302  
Attorney for Applicants  
Ropes & Gray LLP  
Customer No. 75563